



Northern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

January 2012

The **NORTHERN REGION REVIEW** provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DoD and Army leaders, planners, and program managers in carrying out their responsibilities including meeting legal criteria of ISO 14001. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. Click here for information on the [Army's Regional Environmental and Energy Offices](#).

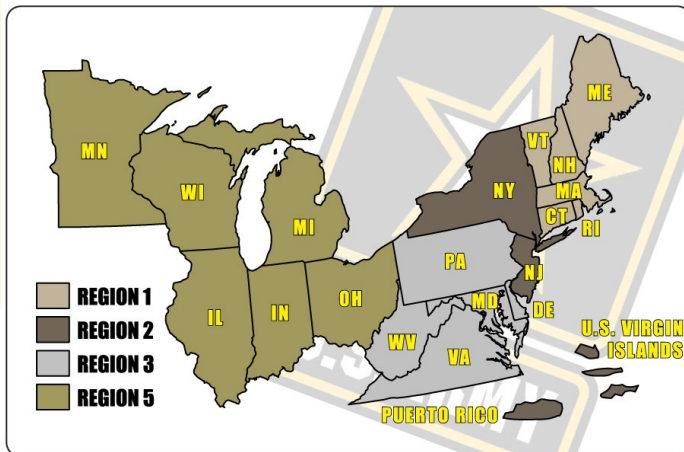


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What's In This Review?

Region 1

In CT, proposed general permits for discharges of wastewater; and in RI, a proposal to simplify air pollution permits for emergency generators.

Region 2

In NJ, USEPA approves a revision to the State Implementation Plan; in NY, a proposed rule on retrofit technology for heavy duty vehicles; and in PR, proposed requirements for heavy duty vehicle emission requirements; and efforts to increase alternative renewable energy.

Region 3

In DC and PA, Draft Phase 2 Chesapeake Bay Watershed Implementation Plans are available for review; in MD, emergency and proposed rules on lead abatement; in PA, the General Permit for stormwater discharges associated with construction activities is extended; in VA, regulations on hazardous waste management, and the transportation of hazardous material are updated to meet federal requirements.

Region 5

In IL, a final rule on permits for smaller sources of air pollution; in IN, a final rule on the lead based paint program; in OH, a final rule on general radiation protection standards and definitions; in WI, a new Public Law 103 on site remediation standards and procedures, and a proposed wind siting bill.

DoD Activity

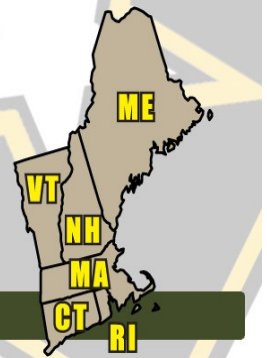
An interim rule on the procurement of domestic photovoltaic devices.

Federal Activity

EPA: A final rule on substitutes for ozone depleting substances; a new detection method for hexavalent chromium; DOE: A proposed rule on federal transmission permitting on federal lands; DOT: A final rule on hazardous materials transportation; and CEQ: Draft guidance on improving reviews under NEPA.

Region 1

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



Connecticut

PROPOSED GENERAL PERMITS FOR DISCHARGES OF WASTEWATER The Connecticut Department of Energy and Environmental Protection (DEEP) issued a [notice](#) on the General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publically Owned Treatment Work (Categorical General Permit), and also is modifying the General Permit for Miscellaneous Discharges of Sewer Compatible Wastewater (Miscellaneous General Permit). In addition, DEEP also issued a notice of a tentative determination to reissue the following General Permits: General Permit for the Discharge of Hydrostatic Pressure Testing Wastewaters (GHT), General Permit for the Discharge of Minor Boiler Blowdown Wastewater, General Permit for the Discharge of Minor Non-contact Cooling and Heat Pump Water, and the General Permit for the Discharge of Minor Tumbling or Cleaning of Parts Wastewater. The general permit contains discharge requirements, best management practices, and monitoring and treatment requirements specific to the discharge category that are designed to protect the waters of the state from pollution. The comment period closed on 9 Feb 12.



Rhode Island

PROPOSED RULE FOR AIR POLLUTION PERMITS FOR EMERGENCY GENERATORS The Rhode Island Department of Environmental Management (DEM) issued a [proposed rule](#) which makes revisions to Air Pollution Control (APC) Regulation No. 43, on an alternative permitting process (general permit) for certain emergency generators, combined heat and power projects, and distributed generation projects. The general permit process is an administratively simpler permitting process than the minor source permitting process in DEM's APC Regulation No. 9. The proposed amendments revise the standard for carbon dioxide emitted from emergency generators to be eligible for the general permit process. The comment period closed on 23 Dec 11.

Region 2

For more information on any state issues in Region 1, contact [Bob Muhly](#), Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-6224.



New Jersey

REGIONAL HAZE STATE IMPLEMENTATION PLAN USEPA issued a final rule approving the revision to the New Jersey State Implementation Plan (SIP), submitted by the State of New Jersey [\[77 FR 19, 3 Jan 12\]](#). The revision addresses Clean Air Act requirements and USEPA's rules for States to prevent and remedy future and existing anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program. USEPA's approval includes but is not limited to New Jersey's plans to implement Reasonable Progress Goals, Best Available Retrofit

Technologies on eligible sources, as well as New Jersey's Subchapter 9, "Sulfur in Fuels rule and source-specific SIP revisions." The final rule became effective on 2 Feb 12.



PROPOSED RULE ON RETROFIT TECHNOLOGY FOR HEAVY DUTY VEHICLES The New York Department of Environmental Conservation issued a [proposed rule](#) amending [6 NYCRR Part 248], Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology (BART) for Heavy Duty Vehicles (HDV). The rule would, revise definitions, amend the compliance schedule, and would add a useful life waiver provision. The proposed changes require BART for any diesel powered HDV that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority. The proposed changes are attributable to recent Court decisions and the New York State Legislature amending New York Environmental Conservation Law §19-0323. A hearing was scheduled for 17-19 Jan 12, and the comment period closes on 26 Jan 12.

OZONE IMPLEMENTATION PLAN REVISION USEPA issued a proposed rule that would approve a revision to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds [[76 FR 77178](#), 12 Dec 11]. The proposed SIP revision consists of amendments to Title 6 of the New York Codes, Rules and Regulations' Part 228, "Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers," Part 234, "Graphic Arts," and Part 241, "Asphalt Pavement and Asphalt Based Surface Coating." The intended effect of this action is to approve control strategies, required by the Clean Air Act, which will result in emission reductions that will attain and maintain the national ambient air quality standards for ozone. The comment period closed on 11 Jan 12.



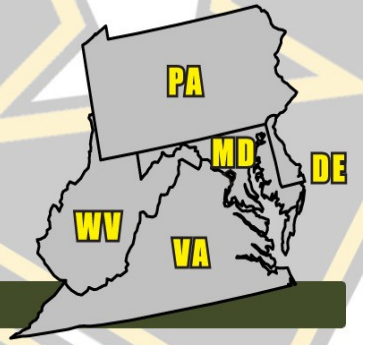
PEOPOSED REQUIREMENTS FOR HEAVY DUTY VEHICLE EMISSIONS On 21 Dec 11, Puerto Rico [PS 2412](#) was introduced to amend Section 9 of Act 416-2004, known as the "Environmental Public Policy Act," in order to add new prohibitions on emissions of heavy motor vehicles and to protect the environment.

PROPOSED AMENDMENTS TO SUSTAINABLE AND ALTERNATIVE RENEWABLE ENERGY ACT

On 6 Dec 11, Puerto [PS 2420](#) was introduced, to add a second paragraph to subsection (d) of Section 2.11 of the Act No. 82 – 2010 referred as the "Public Policy Energy Diversification by Means of Alternative Sustainable Renewable Energy in Puerto Rico." This bill excludes from the sunset provisions of the Renewable Energy Certificates issued by renewable energy producers who sign a Power Purchase and Operating Agreement (PPOA) with the Aqueducts and Sewers Authority, whose commercial operations have started in 2011 and 2012 and allowing use, to demonstrate compliance with the Renewable Portfolio as of 2015.

Region 3

For more information on any state issues in Region 1, contact [Amy Alton](#), Army Regional Environmental Coordinator, Region 3, (410) 436-7098.



ADHESIVES AND SEALANTS FINAL RULE USEPA issued a final rule approving the Delaware State Implementation Plan (SIP) revision and adding Section 4.0, under Regulation 1141, relating to the control of emissions of volatile organic compounds from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents [[76 FR 79537](#), 22 Dec 2011]. USEPA is approving this SIP revision to meet the requirements of a reasonably available control technology rule for the miscellaneous industrial adhesives control techniques guideline category in accordance with the requirements of the Clean Air Act. The final rule becomes effective 23 Jan 12.



PHASE 2 CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN AVAILABLE FOR REVIEW

The District Department (DDOE) of the Environment [issued](#) a Phase 2 Draft Watershed Implementation Plan (WIP) for the Chesapeake Bay Total Maximum Daily Load (TMDL). This Draft WIP is being made available to the public for comment. The TMDL was issued for nutrients and sediment for all impaired segments in the tidal portion of the Chesapeake Bay watershed in Dec 2010. The Phase 2 WIP outlines actions taken by local partners which will help the District meet its water quality goals. The comment period closes on 31 Jan 12.

VOLATILE ORGANIC COMPOUND FINAL RULE DDOE issued a [final rule](#) which reduces further volatile organic compound (VOC) emissions in the District. VOCs are precursors to ground-level ozone, a criteria pollutant under the federal Clean Air Act (CAA). On 6 Jan 10, USEPA proposed a primary health-based ozone standard of between sixty one-thousandths (.060) and seventy one-thousandths (.070) parts per million (ppm) measured over eight (8) hours. This standard follows the Clean Air Scientific Advisory Committee recommendations, but is considerably stricter than the 2008 standard of seventy-five one-thousandths (.075) ppm. The final rule went into effect on 23 Dec 11.

VOLATILE ORGANIC COMPOUND EMISSIONS REDUCTION REGULATION On 23 Dec 2011, [Proposed Resolution \(PR\) 19-0412](#) cited as the "Volatile Organic Compound (VOC) Emissions Reduction Regulations Approval Resolution Of 2011" was approved without further action from the Council of the District of Columbia. This rulemaking incorporates Phase II amendments to model rules designed to reduce ozone in the eastern US and promulgated by the Ozone Transport Commission. In addition, this rulemaking adopts control technique guidelines as required by USEPA. The rule would amend Chapter 7 of Title 20 of the District of Columbia Municipal regulations. The rule will take effect following approval by the Mayor, a 30-day period of Congressional review, and publication in the District of Columbia Register.



PROPOSED BUFFER AND CRITICAL AREA REGULATIONS The Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays issued a [proposed rule](#) amending the implementation of the buffer regulations made in March 2010. The amendments will lower the cost of implementation of buffer management plans, reduce the cost and amount of buffer mitigation by changing the calculation method to the area of canopy coverage removed, provide flexibility to allow a greater percentage of shrubs and herbaceous plantings, and clarify that septic systems require a 1:1 mitigation rather than 3:1 mitigation. Additionally, the proposed rule will include storm damage under a simplified buffer management plan. Finally, the rule clarifies the terms “permanent disturbance”, and “temporary disturbance.” The comment period closed on 17 Jan 12.

PROPOSED RULE ON RENEWABLE ENERGY FACILITIES The Maryland Public Service Commission issued a [proposed rule](#) amending the regulations governing certifiable renewable energy facilities (REF) in order to comply with House Bill 933. The amendments establish a mechanism to process applications applying for a REF certificate for an owner/operator of a solar water heating system commissioned on or after 1 Jun 11 to qualify as a REF under certain terms and conditions. The comment period closes on 30 Jan 12.

PROPOSED RULE ON MEDICAL WASTE INCINERATORS The Maryland Department of Environment (MDE) issued a [proposed rule](#) that would adopt USEPA's requirements for Emission Guidelines (EG) aimed at reducing emissions from combustion in hospital, medical, infectious and medical waste incinerators (HMIWI). These amendments require full compliance with the proposed standards no later than 6 Oct 14. The comment period closed 11 Jan 12.

EMERGENCY AND PROPOSED RULES ON LEAD ABATEMENT MDE issued emergency rules and [proposed rules](#) (pg. 1783) on the regulations regarding accreditation and training for lead paint abatement services, reduction of lead risk in housing and childcare centers, and procedures for performing lead abatement services, specifically procedures for inspecting lead dust. The emergency rules are effective on 1 Jan 2012 and expire on 29 Jun 12. The comment period for the proposed rule closes on 30 Jan 12.



STORMWATER GENERAL PERMIT EXTENSION The Pennsylvania Department of Environmental Protection (DEP) issued a [notice](#) that extends (for an additional year) the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02, 2009 amendment). The current PAG-02 permit expired on 7 Dec 09. The extension became effective on 8 Dec 11, and will expire on 7 Dec 12, unless rescinded by DEP at an earlier date. DEP is extending the availability of this permit to complete the adequate preparation of the renewal of PAG-02.

PHASE 2 CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN AVAILABLE FOR REVIEW

DEP issued a [notice](#) and comment request on Pennsylvania's Draft Phase 2 Chesapeake Bay Watershed Implementation Plan (WIP). DEP submitted the Commonwealth's Draft Phase 2 WIP to USEPA on 15 Dec 11. USEPA required the Commonwealth to submit the plan after USEPA announced, on 1 Aug 11, revised nutrient and sediment allocations for the Chesapeake Bay Total Maximum Daily Load (TMDL). USEPA expects the states to develop a Phase 2 WIP so that local partners: (1) are aware of the WIP strategies; (2) understand their contribution to meeting the TMDL allocations; and (3) have been provided the opportunity to suggest any refinements to the WIP strategies. A final plan is due to USEPA on 30 Mar 12. The comment period closes on 30 Jan 12.

NEW PUBLIC LAW 127 GAS AND HAZARDOUS LIQUIDS PIPELINES ACT On 31 Jan 11, Pennsylvania House [Bill HB 344](#) was introduced and is cited as the Gas and Hazardous Liquids Pipelines Act. HB 344 was recently enacted on 22 Dec 11, and entitled Public Law 127. The new law establishes pipeline definitions, and specifies pipeline operations and the registry requirements for pipeline operators. In addition, PL 127 makes the state law comply with the federal statute under [49 CFR Subtitle B Ch. I, Subchapter D (Relating To Pipeline Safety)], the law specifies the powers and duties of the Pennsylvania Public Utility Commission, and the imposing of civil penalties. PL 127 is effective on 20 Feb 12.



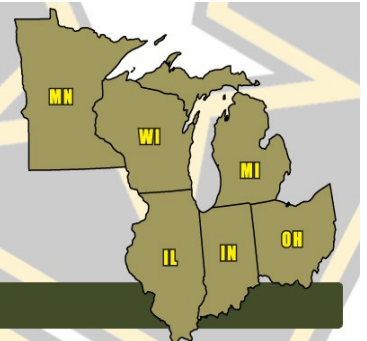
FINAL RULE ON HAZARDOUS WASTE MANAGEMENT REGULATIONS On 5 Dec 2011, the Virginia Department of Environmental Quality (DEQ) and the Virginia Waste Management Board adopted amendments to the Virginia Hazardous Waste Management Regulations, [9VAC20-60-18]. These regulations include requirements from incorporated federal regulatory text at Title 40 of the Code of Federal Regulations as it existed on 30 Jun 11, ensuring that the most recent and accurate federal documents are adopted and enforceable by Virginia. This [final rule](#), Hazardous Waste Regulatory Update – 2011, revises Section [9VAC20-60-18], and becomes effective on 15 Feb 12.

FINAL RULE ON TRANSPORTATION OF HAZARDOUS MATERIAL DEQ issued a [final rule](#) that amends the rules which govern the transportation of hazardous materials. The rule incorporate by reference changes made to Title 49 of the Code of Federal Regulations and Section [9VAC20-110-110] is altered by striking the prior prescribed date and adopting the new date of 1 Oct 11. The final rule was approved on 5 Dec 11, and will become effective on 15 Feb 12.

TOTAL MAXIMUM DAILY LOAD STUDIES FOR TRIBUTARIES OF THE POTOMAC RIVER DEQ and the Virginia Department of Conservation and Recreation (DCR), held the final Technical Advisory Committee (TAC) [meeting](#) on 4 Jan 12, to address the development of total maximum daily load (TMDL) for several tributaries to the Potomac River. This meeting addressed the bacteria TMDL studies for Powells Creek, Quantico Creek, South Fork Quantico Creek, North Branch Chopawamsic Creek, Austin Run, Accokeek Creek, Potomac Creek, Potomac Run, and an Unnamed Tributary to the Potomac River. The purpose of the TAC is to provide technical input and insight for the project and to assist with stakeholder and public participation. Portions of several streams have been identified as impaired on the Clean Water Act § 303(d) list for not supporting Virginia's water quality recreational use standard due to exceedance of the bacteria criterion. The comment period closes on 3 Feb 12.

Region 5

For more information on any state issues in Region 5, contact [Dr. Jim Hartman](#), DoD Regional Environmental Coordinator, Region 5, (410) 436-7096.



GRAY WOLF REMOVED FROM LIST OF ENDANGERED AND THREATENED WILDLIFE The U.S. Fish and Wildlife Service (FWS) issued a final rule which has removed the Gray Wolf in the Western Great Lakes (WGL) Distinct Population Segment (DPS) from the List of Endangered and Threatened Wildlife [76 FR 81666, 28 Dec 11]. FWS has delineated the boundaries of the expanded Minnesota population segment to include all of Minnesota, Wisconsin, and Michigan and portions of adjacent States. FWS stated that there are wolves present at the Crane Meadows National Wildlife Refuge at Minnesota National Guard Camp Ripley, and at Fort McCoy military installation in Wisconsin. FWS stated that the National Park System, military bases, and National Wildlife Refuges (in Minnesota, Wisconsin, and Michigan) will provide protections to wolf packs in the areas these entities manage that will match, and in some cases will exceed, the protections provided by State wolf management plans and State protective regulations. FWS has taken this action because the best available information indicates that the WGL DPS does not meet the definitions of threatened or endangered under the Act. This final rule also removes the designated critical habitat for the wolf in Minnesota and Michigan and the special regulations under Section 4(d) of the Act for wolves in Minnesota. A subsequent decision will be made for the rest of the eastern United States. This rule becomes effective on 27 Jan 12.

REGIONAL HAZE REVISIONS AND FEDERAL IMPLEMENTATION PLANS USEPA issued a proposed rule, which makes revisions to the provisions governing alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited State Implementation Plans (SIP) Disapprovals, and Federal Implementation Plans (FIP) [[76 FR 82219](#), 30 Dec 2011]. The proposed rule determines that the Cross-State Air Pollution Rule achieves greater reasonable progress towards the national goal of achieving natural visibility conditions in Class I areas than source-specific BART in those states covered by the Transport Rule. USEPA is also proposing a limited disapproval of the Regional Haze SIPs that have been submitted by multiple States including Indiana, Michigan, and Ohio. These states relied on requirements of the Clean Air Interstate Rule (CAIR) to satisfy certain Regional Haze requirements. To address deficiencies in all of the CAIR-dependent regional haze SIPs, USEPA is proposing FIPs to replace reliance on the CAIR requirements in these SIPs with reliance on the Transport Rule as an alternative to BART. States are encouraged, at any time, to submit a revision to their Regional Haze SIP incorporating the requirements of the Transport Rule at which time USEPA will withdraw the FIP being proposed in this action. A hearing was held on 17 Jan 12, and the comment period closes on 13 Feb 12.



PROPOSED RULE ON CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS

The Illinois Environmental Protection (IEPA) Agency issued a [proposed rule](#) that would allow for use of uncontaminated clean construction or demolition debris and soil to be used as fill material. The rule as proposed allows the Illinois Pollution Control Board (IPCB) to consider a Tiered Approach to Corrective Action Objectives, background levels for all carcinogens, and allows for professional geologists, as well as professional engineers to provide certifications under the interim soil certification requirements. The rule was in the Regulatory Agenda published on 27 Dec 11.

FINAL RULE ON PERMITS FOR SMALLER SOURCES OF AIR POLLUTION The Illinois Pollution Control Board (IPCB) issued a [final rule](#) amending the permitting rules for the registration of smaller sources and also adds a program allowing qualifying smaller sources (based on calendar year emissions) to register as an alternative to permitting obligations. Owners and operators of qualifying sources would no longer be required to apply for construction or operating permits, await review of permit applications and issuance of a permit, pay construction and operating permit fees, or submit annual emissions report. Instead, qualifying owners or operators would pay an annual fee of \$235, submit initial and annual certification that the source continues to meet program criteria, and keep records supporting the certification. The final rule became effective on 5 Dec 11.

PROPOSED RULE ON FEDERAL CONFORMITY FOR SULFUR DIOXIDE AND NITROGEN DIOXIDE

IEPA issued a [proposed rule](#) that would amend the Air Quality Standards found in Part 243 to reflect new National Ambient Air Quality Standards (NAAQS) adopted by USEPA. Specifically, IEPA proposes to update the sulfur dioxide standard and the nitrogen dioxide standard. IEPA will also include a general review and update of Part 243. IEPA has not scheduled a hearing and is expected to file the new requirements with IPCB within the next six months.

PROPOSED RULES ON IMPLEMENTATION PLANS AND AIR QUALITY DESIGNATION

USEPA issued two proposed rules that would approve Implementation Plans and redesignate Areas for Air Quality Planning Purposes. The first proposed rule would redesignate the Illinois Portion of the St. Louis, MO-IL Area to Attainment for the 1997 8-Hour Ozone Standard [[76 FR 79579](#), 22 Dec 11], the comment period is 23 Jan 12. The second proposed rule, would redesignate the Missouri and Illinois, St. Louis fine particulate Nonattainment Area, as USEPA has determined attainment has been reached by the applicable date for the 1997 Annual Fine Particulate Standards [[76 FR 78869](#), 20 Dec 11]. The comment period for this proposed rule is 19 Jan 12.



PROPOSED UPDATE OF STATE WATER QUALITY POLICY AND STANDARDS The Indiana Department of Environmental Management issued [proposed rules](#) and amendments to rules concerning antidegradation standards and implementation procedures. The Clean Water Act (33 U.S.C. 1313(c)) under Section 303(c) specifies that a review of state water quality standards must be done at least every three years. Federal rules require states to develop, adopt, and retain a statewide antidegradation policy regarding water quality standards and establish procedures for its implementation. The proposed rule has significantly changed from the draft rule. Specifically, the term "pollutant of concern" has been replaced with "regulated pollutant." The definition for regulated pollutant now clarifies when an antidegradation review is triggered. The definition of discharge now refers to the discharge of a regulated pollutant. The comment period closed on 30 Dec 11.

RULE AMENDMENTS EXPECTED FOR LEAD BASED PAINT REMEDIATION The Indiana Department of Health is in the process of publishing amendments to the State's lead based paint program rules. Per the earlier [Notice of Intent to Adopt a Rule](#), the amendments are expected to add and update definitions, add reporting requirements and update licensing requirements for lead professionals, and update remediation procedures. The final rule language, which reportedly becomes effective on 19 Jan 12, has not yet been published but is expected out soon.

APPROVAL GRANTED FOR CROSS-MEDIA ELECTRONIC REPORTING USEPA issued a notice of approval for the State of Indiana's request to revise its USEPA-authorized programs to allow electronic reporting [[76 FR 76971](#), 9 Dec 2011]. The approval became effective 9 Dec 11.



SENATE BILL 528 ON LEAKING UNDERGROUND STORAGE TANKS On 13 Dec 11, [Senate Bill 528](#) was referred to the committee on Natural Resources, Environment and Great Lakes with substitute S-1. The Bill would amend Part 213 (Leaking Underground Storage Tanks (LUST)) of the Natural Resources and Environmental Protection Act to revise procedures, and address liability, for the cleanup of environmental contamination caused by leaking underground storage tanks, which are based on the American Society for Testing and Materials (ASTM) Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites (RBCA). The MI Department of Environmental Quality estimates over 9,000 LUST sites, approximately half of which have no liable party.



FIVE-YEAR REVIEW OF ASBESTOS EMISSION CONTROL RULES The Ohio EPA, Division of Air Pollution Control, has completed a five-year review of Ohio Administrative Code (OAC) 3745-20, Asbestos Emission Control Rules. Ohio EPA issued a [proposed rule](#) amending the definitions and incorporation by reference and OAC rule 3745-20-05(A), Standard for asbestos waste handling. The amendments are being proposed to 3745-20-01(B) for the definitions of "Facility"; "Friable asbestos material"; and the addition of new definition "Residential exempt structure", for clarification purposes only. The amendment to 3745-20-05(A) will allow only Category I nonfriable Asbestos-Containing Material that is not a Regulated Asbestos Containing Material to go to a construction and demolition landfill. The amendment will make this rule consistent with the federal asbestos National Emission Standards for Hazardous Air Pollutants regulations at [40 CFR Part 61.154(b)]. Clarifying changes were made regarding referenced items in rules 3745-20-07; -20-08; -20-09; -20-12; -20-13; and -20-15. A hearing was held and the comment period closed on 9 Jan 12.

PROPOSED HAZARDOUS WASTE MANAGEMENT RULES Ohio EPA issued a [proposed rule](#) that would amend, rescind, adopt as new, and submit for review pursuant to Ohio Revised Code 119.032 without amendment 87 rules of the OAC, which govern hazardous waste management. The purpose of this rule-making is to have Ohio adopt rules consistent with and equivalent to regulations adopted by the USEPA pursuant to the Resource Conservation and Recovery Act. A hearing was held and the comment period closed on 6 Jan 12.

INDUSTRIAL STORM WATER GENERAL PERMIT On 15 Dec 11, Ohio EPA issued an Industrial Storm Water General Permit (OHR000005), and [fact sheet](#). Ohio EPA is adopting the framework of the federal Multi-Sector General Permit (MSGP) for this general permit. This MSGP in the state's new general permit (OHR000005) will provide more clarity and certainty to regulated entities regarding compliance. In addition, the implementation of monitoring and other best management practices under the permit will help protect water resources and enhance the Agency's ability to monitor compliance with the permit. Industrial Storm Water General Permit OHR000005 replaces Ohio EPA's previous industrial storm water general permit (OHR000004), which expired on 31 May 11. The storm water regulations provide an exemption from permitting to facilities that can demonstrate their industrial materials and activities are entirely sheltered from storm water. To apply, a facility must submit a No Exposure Certification (NOE) to Ohio EPA. The facility is obligated to maintain the conditions outlined in the NOE and resubmit a new NOE certification once every five years. The General Permit became effective on 1 Jan 12.

FINAL RULE ON GENERAL RADIATION PROTECTION STANDARDS The Ohio Department of Health issued a [final rule](#) adopting amendments to OAC rule [3701:1-38-01]. This rule provides definitions for terms used in OAC Chapter [3701:1-38], pertaining to general radiation protection standards for sources of radiation. Adopted amendments add a definition for "Nationally Tracked Source" and expand the definition of "Waste." The final rule became effective on 1 Jan 12.

RELEASE OF TOTAL MAXIMUM DAILY LOAD PRIORITY LIST Ohio EPA issued a [notice](#) on the Total Maximum Daily Load (TMDL) priority list for 2012 (the list is [Section L4](#) of the 2012 Integrated Water Quality Monitoring and Assessment Report) and is requesting review and comment on the list as required by Section 303(d) of the Federal Water Pollution Control Act, 33 U.S.C. Section 1313(d). The list indicates the waters of Ohio that are currently impaired and may require TMDL development in order to meet water quality standards. The waters are ranked according to level of impairment. The report evaluates the status of waterways based on four water quality uses: aquatic life, recreational, human health related to fish consumption and drinking water. The 2012 list of impaired waterways removes 260 previously listed impairments, mostly due to improved conditions or completed plans. The report adds 244 listings, mostly due to updated data from new water quality studies performed since the last assessment. A public information meeting occurred on 11 Jan 12 and the comment period closes on 6 Feb 12.

FIVE-YEAR REVIEW AND AMENDMENTS TO UNDERGROUND STORAGE TANK RULES The Ohio Bureau of Underground Storage Tank Regulations (BUSTR), issued a [five-year review](#) for the Ohio's underground storage tank (UST) program, found at OAC Chapter [1301:7-9]. BUSTR issued a proposed rule that would amend several sections of the existing rules. In Section [1301:7-9-04], a late fee of \$5 per UST is added for registrants who do not meet the annual registration deadline. In Section [1301:7-9-16], an option is added to remove and dispose of petroleum contaminated soil (PCS) as an alternative to the existing requirement to prepare a PCS Treatment Plan. The comment period closes on the hearing date of 26 Jan 12.

FINAL RULE REDESIGNATION OF NONATTAINMENT AREA TO ATTAINMENT USEPA issued a final rule approving, under the Clean Air Act (CAA), Ohio's and Indiana's requests to redesignate their respective portions of the Cincinnati-Hamilton nonattainment area (for Ohio: Butler, Clermont, Hamilton, and Warren Counties, Ohio; for Indiana: a portion of Dearborn County) to attainment for the 1997 annual National Ambient Air Quality Standard (NAAQS or standard) for fine particulate matter (PM_{2.5}) [[76 FR 80253](#), 23 Dec 11]. USEPA is also approving several additional related actions. USEPA has determined that the entire Cincinnati-Hamilton area has attained the 1997 annual PM_{2.5} standard. USEPA is approving, as revisions to the Ohio and Indiana State Implementation Plans (SIPs), the states' plans for maintaining the 1997 annual PM_{2.5} NAAQS through 2021 in the area. USEPA is approving the 2005 emissions inventories for the Ohio and Indiana portions of the Cincinnati-Hamilton area as meeting the comprehensive emissions inventory requirement of the Clean Air Act (CAA). Finally, USEPA finds adequate and is approving Ohio and Indiana's Nitrogen Oxides budgets and PM_{2.5} Motor Vehicle Emission budgets for 2015 and 2021 for the Cincinnati-Hamilton area. The final rule became effective on 23 Dec 11.



RELEASE OF TOTAL MAXIMUM DAILY LOAD PRIORITY LIST The Wisconsin Department of Natural Resources issued a [notice](#) on the Total Maximum Daily Load (TMDL) priority list for 2012 and is requesting review and comment on the list as required by Section 303(d) of the Federal Water Pollution Control Act, 33 U.S.C. Section 1313 (d). The list indicates the waters of Wisconsin that are currently impaired and may require TMDL development in order to meet water quality standards. The comment period on the proposed Impaired Waters List closes on 20 Feb 12.

NEW LAW ON SITE REMEDIATION STANDARDS AND PROCEDURES On 21 Dec 11, Wisconsin Senate Bill [SB 253] on Cleanup Standards and Procedures became effective, and was entitled Public Law [PL 103](#). The law relates to the liability and site remediation for certain persons for environmental contamination on property on which a cleanup has been conducted. The law amends repeals and updates several sections of remediation rules.

PROPOSED WIND SITING BILL On 2 Dec 11, Senate Bill [[SB 263](#)] was referred to committee on Judiciary, Utilities, Commerce, and Government Operations, pursuant to Senate Rule 46 (2)(c). The Act would amend several sections of laws and create statutes relating to the setback requirements for wind energy systems, and would grant rule making authority both to the Public Service Commission (PSC), with the advice of the Wind Siting Council specifying wind installation restrictions that a town, village may impose on the installation and setback requirements for a wind energy system. Current law prohibits a city, village, town, or county from placing a restriction on the installation or use of a wind energy system that is more restrictive than the PSC's rules. This bill requires that the PSC promulgate rules specifying setback requirements that a city, village, town, or county may impose on a wind energy system, but not until the PSC receives a report from the Department of Health Services (DHS) regarding an epidemiological study that evaluates the health impacts of wind energy systems on people and animals near such systems.

FEDERAL IMPLEMENTATION PLANS FOR WISCONSIN USEPA issued a final rule concluding that emissions from, Michigan, Missouri, Oklahoma, and Wisconsin significantly contribute to downwind nonattainment or interfere with maintenance of the 1997 Ozone National Ambient Air Quality Standards (NAAQS) in other states [[76 FR 80760](#), 27 Dec 2011]. USEPA is finalizing Federal Implementation Plans (FIPs) to address the emissions in each of these states except for Kansas, for which USEPA is not finalizing a FIP at this time. The FIPs apply the requirements of the ozone season Nitrogen Oxide (NOX) program in the Transport Rule to sources in Iowa, Michigan, Missouri, Oklahoma, and Wisconsin. The final rule becomes effective on 26 Jan 12.

Department of Defense Activity

PROCUREMENT OF DOMESTIC PHOTOVOLTAIC DEVICES DoD is issuing an interim rule to implement a FY 2011 National Defense Authorization Act requirement that photovoltaic devices utilized in performance of any covered contract shall comply with the Buy American Act [[76 FR 78858](#), 20 Dec 11]. A covered contract is defined as an energy savings performance contract, a utility service contract, or a private housing contract, if such contract will result in DoD ownership of photovoltaic devices, by means other than DoD purchase as end products. DoD is deemed to own a photovoltaic device if the device is installed on DoD property or in a facility owned by DoD, and reserved for the exclusive use of DoD for the full economic life of the device. Prior to this definition, ownership would have required transfer of title for the equipment to the Government. A final rule is dependent upon comments on this interim rule; the comment period closes on 21 Feb 12.

Federal Activity

AIR

FINAL RULE ON SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES USEPA issued a final rule that lists substitutes for ozone-depleting substances for hydrocarbon refrigerants [[76 FR 78832](#), 20 Dec 11]. USEPA's

Significant New Alternatives Policy (SNAP) program listed isobutane (R-600a) and R-441a as acceptable, subject to use conditions, as substitutes for chlorofluorocarbon (CFC)-12 and hydrochlorofluorocarbon (HCFC)-22 in household refrigerators, freezers, and combination refrigerators and freezers. This action also lists propane (R-290) as acceptable, subject to use conditions, as a substitute for CFC-12, HCFC-22, and R-502 in retail food refrigerators and freezers (stand-alone units only). The final rule becomes effective on 21 Feb 12.

NEW ANALYTICAL USE EXEMPTIONS FOR CLASS I OZONE-DEPLETING SUBSTANCES USEPA issued a final rule extending the laboratory and analytical use exemption for production and import of Class I ozone-depleting substances (ODS) through 31 Dec 14 [[76 FR 77909](#), 15 Dec 11]. This action is taken under the Clean Air Act (CAA) consistent with the recent actions by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The exemption allows the production and import of controlled substances in the US for laboratory and analytical uses that have not been already identified by USEPA as nonessential. The final rule became effective on 15 Dec 11.

SOLID WASTE INCINERATION UNITS USEPA issued a proposed rule that would amend the regulations which were codified by the Non-Hazardous Secondary Materials rule [[76 FR 80452](#), 23 Dec 11]. Originally promulgated on 21 Mar 11, the Non-Hazardous Secondary Materials rule provides the standards and procedures for identifying whether Non-Hazardous Secondary Materials are solid waste under the Resource Conservation and Recovery Act when used as fuels or ingredients in combustion units. The purpose of these proposed amendments is to clarify several provisions in order to implement the Non-Hazardous Secondary Materials rule as the Agency originally intended. USEPA is reconsidering and requesting comment on several provisions of the final NSPS and emission guidelines for commercial and industrial solid waste incineration units. The comment period closes on 21 Feb 12.

NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCES USEPA issued a proposed rule which reconsiders a final rule that amends the (21 Mar 11) rule on the control of hazardous air pollutants (HAPs) from industrial boilers, and commercial and institutional boilers located at area sources [[76 FR 80532](#), 23 Dec 11]. This rule affects coal, biomass, and oil-fired units located at area (non-major) HAP sources. It extends the deadline for initial tune-ups for existing boilers by one year from 21 Mar 12 to 21 Mar 13. The compliance date for emission limits and for implementation of other work practices would remain 21 Mar 14. The proposed rule reduces frequency for subsequent tune-ups for certain boilers. For units located on area sources, a tune-up is required every five-years for all seasonal boilers and all oil-fired boilers rated 5 MMBtu/hr or less heat input. Existing and new coal-fired boilers rated 10 MMBtu/hr or more are not subject to a tune-up requirement. Other boilers must complete a tune-up biennially. This rule adds exemptions for temporary boilers, residential boilers, electric boilers and electric utility steam generating units, revises the definition of "energy assessment" to clarify that the requirement is limited to assessing energy use systems located on-site that are associated with the affected boilers and process heaters, and expands the definition of natural gas curtailment. The comment period closes on 21 Feb 12.

ENERGY

FEDERAL TRANSMISSION PERMITTING ON FEDERAL LANDS The Department of Energy (DOE) issued a proposed rule that would amend the regulations for coordination of Federal authorizations for proposed interstate electric transmission facilities [[76 FR 77432](#), 13 Dec 11]. This proposed rule would codify a 2009 Memorandum of Understanding (MOU) that eight Federal agencies entered into, including DoD, in which the intent was to improve coordination in the siting and permitting process for electric transmission facilities on Federal land. In addition, the rule would require permitting entities to inform DOE of requests for authorizations required under Federal law for Qualifying Projects, as well as establish a process whereby applicants for interstate electric transmission facilities that are not Qualifying Projects can request DOE assistance in the Federal authorization process. The 2009 MOU defines Qualifying Projects as "high voltage transmission line projects (generally 230 kV or above), and their attendant facilities, or otherwise regionally or nationally significant transmission lines and their attendant facilities, in which all or part of a proposed transmission line crosses jurisdictions administered by more than one Participating Agency." The comments period closes on 27 Jan 12.

ENERGY SAVINGS AND PERFORMANCE BASED CONTRACTING On 2 Dec 11, President Obama issued a [Memorandum](#) to Agency Heads on the Implementation of Energy Savings Projects and Performance-Based Contracting. The memorandum calls for Agencies to fully implement energy conservation measures (ECMs) with a payback time of less than 10 years, consistent with real property and capital improvement plans. The Federal Government shall enter into a minimum of \$2 billion in performance-based contracts in Federal building energy efficiency within 24 months, and each Agency shall include its anticipated total performance-based contract volume in an implementation schedule

submitted by 31 Jan 12. Agencies shall prioritize new projects in the implementation schedule based on return on investment, and implementation shall be tracked subsequently by the Federal Energy Management Program (FEMP) and the Office of Management and Budget (OMB). Beginning in 2012, agencies shall incorporate the planned implementation schedule into their annual Strategic Sustainability Performance Plans in furtherance of Executive Order 13514.

HAZARDOUS CHEMICALS

FINAL RULE ON HAZARDOUS MATERIAL TRANSPORTATION The Department of Transportation and the Pipeline and Hazardous Materials Safety Administration issued a final rule that amended the Hazardous Materials Regulations to maintain alignment with international standards by incorporating changes to proper shipping names, hazard material classes, packing groups, special provisions, packaging authorizations, air transport limited quantities, and vessel stowage requirements [[76 FR 82163](#), 30 Dec 11]. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods-Model Regulations. The final rule became effective on 1 Jan 12.

NATURAL RESOURCES

DRAFT GUIDANCE ON IMPROVING REVIEWS UNDER NEPA The Council on Environmental Quality (CEQ) is requesting comments on draft guidance "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act," [[76 FR 77492](#), 13 Dec 11]. The comment period for this draft guidance closes on 27 Jan 12.

TOXICS

PESTICIDE CHEMICAL SEARCH USEPA issued a new web-based application that provides users easy access to chemical-specific information from the Office of Pesticide Programs' website and several other important sources. [Pesticide Chemical Search](#) is designed to consolidate information related to pesticide chemicals' active ingredients, making it easier to find related regulatory and scientific information.

WATER

PROPOSED NEW WATER QUALITY ANALYTICAL METHOD On 23 Sep 10, USEPA proposed to approve a number of new and revised test procedures (i.e., analytical methods) for measuring pollutants under the Clean Water Act [[76 FR 77742](#), 14 Dec 11]. USEPA is announcing the availability of new data on an analytical method for the measurement of oil and grease that USEPA described in the earlier notice but did not previously propose to approve for use. USEPA is considering revising its proposed regulatory requirements for this method. USEPA is soliciting comments on this analytical method. The comment period closes on 13 Feb 12.

USEPA HAS A NEW DETECTION METHOD FOR HEXAVALENT CHROMIUM On 9 Jan 12, USEPA issued a revised method known as [Method 218.7](#) for measuring levels of hexavalent chromium (Cr6) in drinking water. The new method replaces the agency's previous guidelines for detecting Cr6, termed Method 218.6, which were last updated in 1994. The new method eliminates a series of temperature, time and filtration requirements.

OBAMA ADMINISTRATION RELEASES DRAFT ACTION PLAN TO ADDRESS OCEAN CHALLENGES

As part of President Obama's National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes, the National Ocean Council released a [draft National Ocean Policy Implementation Plan](#) to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes. The draft Implementation Plan describes more than 50 actions the Federal Government will take to improve stewardship of coastal resources and requests comments on actions the Federal Government will need to take to improve the health of the ocean, coasts, and Great Lakes. The comment period on the draft Implementation Plan closes on 27 Feb 12.

Professional Development

For a full listing of Professional Development opportunities please visit the REEO-N website at:

www.asaie.army.mil/Public/ESOH/.REEO/Northern/proDevelopment.html.

Internet Resources

STATE REGULATORY / LEGISLATIVE SOURCES

Connecticut:	DEP / General Assembly	New Jersey:	DEP / State Legislature
Delaware:	DNREC / General Assembly	New York:	DEC / Assembly / Senate
District of Columbia:	DOE / City Council	Ohio:	EPA / General Assembly
Illinois:	EPA / General Assembly	Pennsylvania:	DEP / General Assembly
Indiana:	DEM / General Assembly	Puerto Rico:	DNER / Government
Maine:	DEP / State Legislature	Rhode Island:	DEM / General Assembly
Maryland:	MDE / General Assembly	Vermont:	ANR / State Legislature
Massachusetts:	DEP / General Court	Virgin Islands:	DPNR / Legislature
Michigan:	DEQ / State Legislature	Virginia:	DEQ / General Assembly
Minnesota:	PCA / State Legislature	West Virginia:	DEP / State Legislature
New Hampshire:	DES / General Court	Wisconsin:	DNR / State Legislature

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